

EXECUTIVE OFFICER SUMMARY REPORT
May 8, 2002

ITEM: 9

SUBJECT: PUBLIC HEARING: AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (9) TO INCORPORATE TOTAL MAXIMUM DAILY LOADS (TMDLs) FOR NUTRIENTS IN THE RAINBOW CREEK WATERSHED, SAN DIEGO COUNTY (TENTATIVE RESOLUTION NO. R9-2002-0108). (*LISA BROWN*)

PURPOSE: To adopt Tentative Resolution No. R9-2002-0108 amending the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan) to include total maximum daily loads (TMDLs) for nutrients in the Rainbow Creek watershed.

PUBLIC NOTICE: A combined Basin Plan amendment, public hearing notice, and CEQA Notice of Filing was published in the San Diego Union Tribune on March 22, 2002 and the North County Times on March 23, 2002. The notice was also mailed to interested persons on March 22, 2002. Copies of the proposed amendment, staff report, and CEQA checklist were available for public review at the Regional Board office on March 22, 2002. Copies of these documents were also mailed to interested persons on March 23, 2002 and made available on the Regional Board website. A public workshop on the proposed Basin Plan amendment was conducted by Regional Board staff on April 11, 2002.

These actions serve as the 45 day official public notification of this action, as required by Title 40, Section 25.5 of the Code of Federal Regulations (40 CFR 25.5) and CEQA regulations (23 California Code of Regulations Section 3777).

DISCUSSION: Rainbow Creek, designated as hydrologic subareas (HSAs) 902.22 and 902.23, is a small tributary to the Santa Margarita River located near Fallbrook, California. Rainbow Creek is currently listed on the Clean Water Act (CWA) Section 303(d) list as an impaired water body due to eutrophication. Provisions of CWA require that the Regional Board adopt a Basin Plan amendment establishing a Total Maximum Daily Load (TMDL) for the Rainbow Creek watershed.

Background

Thirty-six water bodies in the San Diego Region are listed as impaired on California's CWA Section 303(d) 1998 Impaired Waterbodies List. These water bodies do not meet water quality standards and therefore beneficial uses are not protected as required by state and federal law. Under the proposed 2002 Section 303(d) list update currently being considered for adoption by the State board, the number of impaired water bodies for the San Diego Region included on the list will increase to 51 waterbodies.

Provisions of the federal CWA require that Total Maximum Daily Loads (TMDLs) be established by the Regional Board for each of these waterbodies. TMDLs are developed for the purpose of ensuring that water quality standards are attained and beneficial uses restored. The TMDLs must determine the load of the pollutants of concern that each water body can sustain while maintaining water quality standards. The TMDLs must further apportion those loads to various sources. The TMDL development process culminates in a public hearing in which the Regional Board considers adoption of a Basin Plan amendment incorporating the regulatory provisions of the TMDL.

Rainbow Creek was listed on the CWA Section 303(d) list in 1996 as an impaired water body due to eutrophication. Current concentrations for nitrate, total nitrogen, and total phosphorus remain in excess of Basin Plan's water quality objectives for nitrates in drinking water (10 mg NO₃-N/L) and biostimulatory substances (1.0 mg/L total nitrogen and 0.1 mg/L total phosphorus).

TMDL Implementation

The proposed Basin Plan amendment establishes load reductions of nitrogen and phosphorus to be implemented using a two-phased approach. The first phase reductions will be implemented to meet the nitrates in the drinking water objective and similarly reduce phosphorus concentrations. The second phase includes additional nitrogen and phosphorus load until monitoring results indicate that nutrient concentrations do not cause nuisance or impairment of beneficial uses, or until biostimulatory targets have been achieved.

In implementing the TMDLs, the County of San Diego is encouraged to develop and implement a nutrient reduction and management program for the watershed that incorporates nutrient and urban management measures and a public outreach program to

achieve the reductions. Additionally, the County of San Diego is directed to investigate groundwater quality and contribution to the creek and assess the quantity and status of septic tank disposal systems in the watershed to fill data gaps. Findings from the investigations will be used in the development of further implementation measures for the second phase of implementation.

The implementation plan also identifies the need for additional actions. Hines Nursery needs to discontinue the use of Rainbow Creek in their operations. The Regional Board will review and revise existing Waste Discharge Requirements, review and comment on environmental documents for development projects in the watershed, and ensure that landowners are in compliance with Waste Discharge Prohibitions contained in the Regional Board's Basin Plan.

Peer Review

A draft copy of the Rainbow Creek Nutrients TMDL was sent out to a peer review panel November 19, 2001. The panel consisted of three university professors, two from University of California at Berkeley and one from San Jose State University. Where applicable, their comments were integrated into the TMDL document. Copies of their written comments and Regional Board staff responses are included in the Attachments section of the staff report.

Written Public Comments

Written comments were submitted by Hines Nurseries and the County of San Diego on or before the stated deadline (April 23, 2002). The comments may result in changes to the staff report. We are in the process of considering and responding to the comments. The written staff response to the comments and an updated staff report reflecting the changes will be provided to the Regional Board members in a separate mailing when it is available.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

- Attachment 1. Regional Map of Rainbow Watershed
- Attachment 2. Tentative Resolution No. R9-2002-0108 and Draft Basin Plan Amendment
- Attachment 3. Staff Report and CEQA Checklist
- Attachment 4. Written comments submitted by the public:
 - Hines Nurseries
 - County of San Diego

RECOMMENDATION(S): Adopt Tentative Resolution Resolution No. R9-2002-0108